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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/016,574	12/07/2001	Roger J. Leyden	2011048	3280

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EXAMINER

MORRISON, NASCHICA SANDERS

ART UNIT PAPER NUMBER

3632

DATE MAILED: 09/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/016,574

Applicant(s)

LEYDEN ET AL.

Examiner

Naschica S Morrison

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6/7/04.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

This is the fourth Office Action for serial number 10/016,574, Universal camera mount, filed on December 7, 2001. Claims 1-20 are pending.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,123,306 to Jackson in view of U.S. Patent 4,615,597 to Burriss and further in view of U.S. Patent 5,241,297 to Goodman. With regards to claims 1-20, Jackson discloses a mount assembly (100) comprising: a mounting member (55) sized relative to an article (camera shown in phantom) and operably configured to facilitate the manual handling, inspection, and demonstration of the article, the mounting member including an upper surface describing an article attachment region (top surface area surrounding the threaded fastener extending upwardly through 55) and an aperture (generally indicated adjacent the upwardly extending threaded fastener within 55) extending from the upper surface to the lower surface of the mounting member for permitting a first threaded fastener (see Fig. 1) to pass therethrough and attach to a threaded aperture of an article (camera shown in Fig. 1). Jackson does not teach the mounting member including a plurality of apertures. Burriss discloses a mount assembly (see marked copy of Fig. 2 attached to first Office action) comprising: a mounting member (16) including an upper surface describing an article attachment

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region (at A and C), a lower surface, and a centrally located sensor region (B) distinct from the article attachment region and including isolated apertures/recessed areas (18) displaced and segregated from a plurality of apertures in the article attachment region (at A and C); the article attachment region (at A and C) including a first plurality (A) of apertures (18) arranged in a first aperture region on one side of the sensor region (B) and a second plurality (C) of non-threaded apertures (18) arranged in a second aperture region on an opposite side of the sensor region (B); the first and second plurality of apertures (A, C) being adapted for engagement with threaded fasteners (20) to secure an article (12) thereto and each comprising at least three non-threaded apertures (18 as shown in Fig. 5) with at least one of the three apertures not in linear alignment with at least two of the other at least three apertures, the first and second plurality of apertures (A,C) including a two dimensional array of at least two rows of apertures and at least two columns of apertures, each of the at least three apertures extending from the upper surface to the lower surface for enabling restrainable and adjustable affixation of the mounting member (16) to the article (12); the reorientable affixation extending into at least two substantially intersecting directions of movement amongst each of first and second aperture regions for mounting the article in at least one preferred attachment position in at least one of the first and second aperture regions; wherein the sensor region is positioned on the mounting member in a position laterally displaced from, and independent from, the plurality of apertures used to secure the article to the mounting member. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the mounting member (55) of Jackson to include a

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plurality of apertures (A, B, C) as taught by Burriss because one would have been motivated to permit selective positioning of the article on the mounting member as inherently taught by Burriss.

Jackson in view of Burriss further teaches a lock (E) for preventing unauthorized removal of the mount assembly (100) from a support (40), but Jackson does not disclose the mounting member including an anti-theft sensor attached thereto. Goodman teaches a mount assembly comprising a mounting member (20) including an upper surface describing an article attachment region (see Fig. 1 generally) and a dedicated sensor region (hole at 28 generally) centrally located on the mounting member, wherein an anti-theft sensor (28, 258) is fixedly attached to the mounting member at the sensor region, the anti-theft sensor including a housing (shown in dashed lines in Fig. 7) having an interior region and an upper surface, a switch member (28) oriented substantially normal to the housing and biased into operable contact with the external surface of an article, an electronic circuit board (Fig. 8; col. 9, lines 46-51) contained within the housing for creating an electrical signal upon interruption of the operable contact between the switch (28) and article, a signal transmission medium (262), and a signal (264 generally; col. 9, lines 55-57). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the mount assembly of Jackson to further include an anti-theft sensor attached to a sensor region (B) of the mounting member (55) because one would have been motivated to provide a means for indicating the unauthorized removal of the article from the mounting member as taught by Goodman (col. 1, lines 5-10).

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Regarding claims 4-6 and 14-16, Jackson in view of Burriss in view of Goodman does not teach the article being secured to the mounting member by a secondary fastener. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the mount assembly of Jackson by providing a secondary fastening means, such as double sided adhesive, in addition to the threaded fasteners for mounting the article to the mounting member (55) since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art and further, since screws, nails, bolts, and single or double sided adhesives are well known for their use in the fastening art and the selection of any of these known equivalents to secure the article to the mounting member would be within the level of ordinary skill in the art.

Regarding claims 8, 9, 11 and 17, Jackson in view of Burriss in view of Goodman does not expressly disclose the anti-theft sensor housing being fixedly attached to the mounting member by a double-sided adhesive or the sensor region (B) including a threaded aperture and the anti-theft sensor housing including a fastener having a threaded shank for engaging the threaded aperture. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have fixedly attached the housing to the mounting member of Jackson using double-sided adhesive or a threaded fastener engaged in a threaded aperture of the sensor region since screws, nails, bolts, and single or double sided adhesives are well known for their use in the fastening art and the selection of any of these known equivalents to fixedly

secure the sensor housing to the mounting member would be within the level of ordinary skill in the art.

Response to Arguments

Applicant's arguments filed 6/7/04 have been fully considered but they are not persuasive.

In response to applicant's argument that there is nothing in Jackson that shows or suggests the provision of a security monitoring system where the camera is attached, examiner agrees that Jackson alone does not teach a security monitoring system at the location of the camera; however Jackson does address the need for securing the camera to the wheelchair by providing the lock (E) to prevent detachment of the mounting member (50), which is fastened to the camera, from support (40).

Regarding applicant's argument that Goodman teaches against the affixation of an article to the base, examiner respectfully disagrees. Goodman does not teach or suggest that the articles supported by the base may be affixed to the base; however Goodman also does not teach or suggest that such articles would be damaged, as argued by applicant, if the articles were affixed to the base. As discussed by applicant, Goodman sets forth examples of some articles that are to be supported by the base such as a vase, other art works, and jewelry. However, contrary to applicant's arguments, an article of jewelry (especially a bracelet, watch, ring, necklace, etc.) could be affixed (defined in Merriam-Webster's 10th Edition Collegiate Dictionary as "to attach in any way") to the base without damaging the jewelry by providing a fastener/fastening

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means that is secured to the base and which also loops around or through a portion of the jewelry.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the suggestion and motivation to combine the references is found in the references themselves as detailed above.

Regarding applicant's argument that the examiner has modified Burriss "to include three "zones" A, B, and C", examiner respectfully disagrees. As detailed in the rejection above, Jackson, not Burriss, has not been modified to include the three zones that are taught and expressly disclosed in Burriss.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a

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reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

In response to applicant's argument that neither Jackson or Burriss is directed to an apparatus for the monitoring of an article that is on display for sale in a retail setting, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. 6761579 to Fort et al. discloses a secure mounting assembly.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any


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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Naschica S. Morrison, whose telephone number is (703) 305-0228. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Leslie Braun can be reached at 703-308-2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this Application should be directed to the Technology Center receptionist at (703) 306-1113.


Naschica S. Morrison
Patent Examiner
Art Unit 3632
9/13/04


RAMÓN O. RAMÍREZ
PRIMARY EXAMINER